

Lewis County Planning Commission **Public Meeting**

Lewis County Courthouse
Commissioners' Hearing Room – 2nd Floor
351 NW North St – Chehalis, WA

October 8, 2013 - Meeting Notes

Planning Commissioners Present: Mike Mahoney, Jim Lowery, Arny Davis, Richard Tausch, Clint Brown

Planning Commissioners Excused: Bob Guenther, Russ Prior

Staff Present: Mike Kroll, Rod Lakey, Stan May, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from September 10, 2013
- Six Year Transportation Program

1. Call to Order

Chair Davis called the meeting to order at 6:00 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

The agenda was approved as presented.

3. Approval of Meeting Notes from September 10, 2013.

There were no corrections or additions to the meeting notes; they were approved.

4. Old Business

A. 2014-2019 Transportation Improvement Program – Public Works

Rod Lakey stated he and Mike Kroll would present the 2014-2019 six-year Transportation Improvement Program, highlighting the first couple of years, the funding mechanism, and methodology for selecting projects. This would be an abbreviated version since it was presented a few weeks ago.

Mr. Kroll stated the purpose of the Transportation Improvement Plan (TIP) was to develop future transportation improvement projects in Lewis County and provide a program for the six ensuing years. The TIP is a requirement of the Revised Code of Washington (RCW); this must be filed with the State Secretary of Transportation, as well as with the County Road Administration Board and the Transportation Improvement Board.

Mr. Kroll explained that an initial list is created using the functional classification of the road, accident locations, area supervisor comments, maintenance efforts, public comment, and development potential. Mr. Kroll explained the criteria used for creating the list. Some of the numbers that are used change yearly because of accidents or traffic data; others are static. There is a committee that meets to review the TIP and score the projects every three years.

The TIP finalization is the presentation of the TIP to the community and decision-makers and then the TIP is adjusted if necessary, based on public response and budgeting constraints. The proposal is then submitted to the Board of County Commissioners for a public hearing, which will be on November 18.

Mr. Kroll explained the funding sources and then named the 2013 projects that were completed. These included the Adna levee ditch re-grade, the Airport road reconstruction and the Louisiana Avenue connection over the dike. There was a bridge scour on Ceres Hill Road; the Coughlin Road Bridge deck replacement was completed. A large guardrail project received federal funding for Davis Lake Road, Lincoln Creek Road and Wildwood Road. The largest project that was completed was the Koontz Road widening.

Public Works completed approximately 66.20 miles of chip seal as well as Benton Street in Winlock. In the cement-treated base program there were 5.1 miles completed which included Klein Road, Kruger Road, Peters Road, Damron Road and Middlefork Road. Under an interlocal agreement, Court Street was completed for the City of Mossyrock.

The construction budget for the 2014 season is \$10.08 million dollars and for the 6-year TIP it is \$62.83 million dollars. There are still three flood-related projects which total \$3.88 million dollars, which is 6.2% of the total 6-year TIP.

Mr. Kroll stated that the highlighted cells on the handout indicate that the funding mechanism has changed since last year.

Mr. Kroll briefly explained each of the projects for 2014. He asked for questions. Commissioner Mahoney asked what work was being done on Lincoln Creek Road. Mr. Kroll explained that is the guard rail project.

Commissioner Tausch asked what the plans are for the airport dike after it has been widened. Mr. Lakey stated that raising the levee will trigger significant environmental and permitting requirements. That phase is uncertain and will have impacts around Chehalis and downstream. How that plays out with the Flood Authority is still to be determined. The widening will help with that effort in the future if it is raised; it will also add safety factors to the levee that is there currently. When it is completed and the top is from 27' to 33' wide versus the 9' width it will give significant strength to the levee.

Mr. Kroll encouraged the Planning Commission to submit comments on the TIP on the form provided.

B. Summary of Shoreline Master Program Visioning Meetings – Stan May

Mr. May stated there had been three visioning meetings; one is currently on-going tonight in the City of Chehalis. On September 25 there was a meeting at the Veterans Memorial Museum; on September 26 it was at Centralia; and on October 1 there was a meeting in Randle. At each of the meetings, Lee Napier, Lewis County Community Development Director, gave an introduction, and then Brad Medrud of AHBL gave a presentation, an overview of the process, talked about findings from the Shoreline Inventory, and finally presented next steps. Following that, the attendees have an opportunity to look at four stations: shoreline development, shoreline use, public access, and restoration. Consultants, staff and Citizens Advisory Committee members were at each station. The attendees looked at maps, asked questions and left comments.

What we were looking at most to get out of these meetings was input from the public. Mr. May stated there will be a complete memo that will be posted on the website once the meeting in Chehalis is completed that will answer all the questions that were asked and include responses to the comments.

Mr. May highlighted the types of comments and questions that were heard. At all three meetings people were talking about private property rights and public access, asking questions such as "Do public access provisions allow for people to cross private property to reach the shoreline?" The short answer is "no" but it will be addressed more thoroughly in the future.

There were a number of questions about easements: is there a comprehensive list of easements that provide public access; if the easements were maintained; are there easements that property owners do not know about. The initial thought is that it is unlikely to have a comprehensive data base without someone going through all of the tens of thousands of parcels. The questions surrounding easements are good questions and they will be addressed, also. Another question: if there is a utility easement, can it be used to access the river?

The FEMA maps were mentioned several times, and their use as a basis for the shoreline jurisdiction. Mr. May stated that each of the County Commissioners had attended some or all of the workshops. There was a meeting with the Commissioners, Ms. Napier, representatives from Centralia and Chehalis, Mr. Medrud and Mr. May in which they discussed addressing this issue.

Chairman Davis asked Mr. May to elaborate on where the Commissioners stand on this issue. Mr. May stated that the 2010 preliminary FEMA maps have essentially been challenged and FEMA has potentially withdrawn them. The Commissioners' position is that the County should not be using anything resembling the 2010 maps as a starting point even though they were used as a starting point and then greatly modified. Mr. May stated he is not sure what the end result will be; we are gathering information to support that decision. The thought is to roll back and look at the 2006 maps, and the adopted 1982 floodways as a starting point and expanding where it needs to be expanded.

Chairman Davis asked if the issue was with the Department of Ecology. Mr. May stated that was correct. We originally tried to use the adopted 1982 maps and DOE insisted that the 2010 maps were the latest; we were able to get modifications in some areas – taking some parts of the floodways out of the SMP jurisdiction. The SMP jurisdiction is based on either ordinary high water or floodway. That is the starting point, adding the 200' and associated wetlands. We hope to move DOE in the other direction.

Commissioner Mahoney stated one private property concern he heard is if anything would change the normal high water level. The people have a right to the waters in the state. If they get out of their boat, where is that line for legitimate public property and private property? The normal high water mark plus 200' is a concern and it needs to be made clear. Mr. May stated the term is "ordinary high water mark" and that is what is used where there is no floodway identified. That is the limit of the state ownership. The 200' that is added to that is still private property.

Commissioner Mahoney asked what happens with the floodway, floodplain. That is still outside the ordinary high water. Mr. May stated the ordinary high water is within the banks and does not change.

Commissioner Brown stated something that was brought up in Randle was inaccuracies in the mapping. He pointed out some of these to the consultants but did not get a good answer as to how that was to be handled. What is the procedure to correct the mapping errors? The Cispus River changed course 15 years ago but the map still shows the river running right behind Commissioner Brown's house.

Mr. May stated that if it is in an area that is not a floodway, when it comes time to do a development, you won't look at the map but rather at the ordinary high water mark. That will be the starting point. The actual determination will be on a project-by-project basis. The SMP will not correct the environmental maps throughout the County.

Commissioner Brown stated the concerns were that if the overlays are not correct, how could there be an accurate shoreline management plan. Mr. May stated again that it comes down to what is on the ground, not what the maps show. The reason the maps can't necessarily be updated because of this project is the project people can only work with the data they have and the data is supplied by the County. The County and the State maintain the GIS layers and where the rivers run and in many cases they are out of date.

Commissioner Brown asked if there is no mechanism in place for people who believe their property should not be in the shoreline jurisdiction during the process, but need to address it after the fact.

Commissioner Mahoney stated the agricultural resource land designation was based on soil types. We knew there were errors and the Planning Commission asked to have written into the ordinance that any property owner who felt the mapping is in error would have an opportunity to ask the County to change it. It was used a few times, and it worked. Commissioner Mahoney would like to incorporate similar language in the SMP. He would like it to not be a great expense to the land owner. Chairman Davis added that he does not want it to be a long, drawn out process, either.

Commissioner Brown would like to see language that the burden is not on the landowner.

Mr. May stated another question that came up were the uses in a shoreline jurisdiction, specifically commercial use. Mr. May reminded the Commission that the shoreline jurisdiction is not a buffer; it is guiding how development occurs. Some of the uses will depend on the County.

There were questions regarding agricultural uses. Some people had ideas about restoration projects. People asked for flexibility in the buffers and for not creating non-conforming uses. We tried to reassure that we would try hard to make sure that the environmental designations (shoreline zoning) reflect what is already there. We will not automatically create non-conforming uses.

Many people wanted to know what is publicly owned: the water, the land under the water, the beach, etc. That needs to be clarified.

Mr. May stated the next step, after providing responses to questions and comments, will be the environmental designations. There should be a proposal in front of the Citizens Advisory Committee (CAC) later this month, and to the Planning Commission by the first meeting in November. Once that part is completed, the goals, policies and regulations will get under way.

Commissioner Brown stated some people from the consulting firms were using a lot of abbreviations. Chairman Davis thought it would be helpful if there was a handout with the acronyms for the public.

Commissioner Brown asked if a piece of property currently has an easement on it, perhaps for utility maintenance, will that easement be expanded so that the public can use it. This was not answered by the consultants. People were also asking where the measurements for cubic foot per second were taken and how are they determined.

There were no other questions from the Commissioners.

5. New Business

There was no new business.

6. Calendar

Mr. May did not think there would be a meeting on October 22. The next meeting will be on November 12, 2013 at 6:00 p.m.

7. Good of the Order

Mr. May stated there are three Planning Commission positions expiring at the end of 2013. They need to make a decision as to whether they would like to continue for another term. Those are Commissioner Prior, Commissioner Lowery, and Commissioner Mahoney. Mr. May stated he would like to see all of them remain. Chairman Davis agreed.

Commissioner Lowery stated he is on the Board of Trustees at Centralia College. A couple of years ago they devised the Kaiser Outdoor Learning Lab and part of that process was completely reclaiming China Creek that came through the college property. Last year there were 8 adult salmon that spawn in the section that was rehabbed. Dr. Walton had a crew down there cleaning out the canary grass so more salmon might come this year. It was a fun project and it would be nice to do more. It is a positive point for the shorelines management program.

8. Adjourn

A motion was made and seconded to adjourn; adjournment was at 7:15 p.m.